



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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SEP 20 2002

MCHALE & SLAVIN  
4440 PGA BLVD  
SUITE 402  
PALM BEACH GARDENS FL 33410

#5

In re Application of :  
Maxime Ranger et al :  
Serial No.: 09/877,999 : PETITION TO MAKE SPECIAL  
Filed: June 8, 2001 :  
Attorney Docket No.: 2267.001 :

This is in response to applicants' petition filed September 3, 2002, to make the above-identified application special under the provisions of 37 CFR 1.102(d) and M.P.E.P 708.02, part XII.

The petition is **DENIED**.

Applicant relies on M.P.E.P. 708.02(XII) as the basis for justifying making the application special. This section relates to applications relating to biotechnology and wherein the applicant is a small entity. While applicant makes the required assertions relating to small entity status, the technology being a major asset of the entity or inventor and delay in the development or manufacture will occur if not granted, the petition fails since neither the application nor the claims are directed to biotechnology. All of the claims are directed to water-soluble polyelectrolytes or a pharmaceutical composition containing the polyelectrolyte and a drug, protein, peptide, etc. The mere inclusion of a generic term, such as peptide, protein or genetic material, as part of a pharmaceutical formulation does not qualify the application as a biotechnology related application.

**The application will be taken up for action in the normal order.**

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230

William R. Dixon, Jr.  
Special Program Examiner  
Technology Center 1600